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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF	:
NORIYUKI SAKOH, ET AL.	: EXAMINER: JACOB, A.
SERIAL NO: 10/566,630	:
FILED: JANUARY 31, 2006	: GROUP ART UNIT: 2161
FOR: DATA DISPLAY CONTROL DEVICE	:

APPEAL BRIEF

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

This is an appeal from the decision of the Examiner dated August 19, 2009 which finally rejected Claims 1, 3-11, and 13-18 in the above-identified patent application. A Notice of Appeal is timely filed herewith.

I. REAL PARTY-IN-INTEREST

The real party-in-interest is Sony Corporation.

II. RELATED APPEALS AND INTERFERENCES

Appellants, Appellants' legal representative, and the assignees are aware of no appeals which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 1, 3-11, and 13-18 have been finally rejected and Claims 2, 12, and 19 have

been canceled without prejudice or disclaimer. The rejection of Claims 1, 3-11, and 13-18

form the basis for this appeal. Appendix VIII includes a clean copy of Claims 1, 3-11, and

13-18.

IV. STATUS OF AMENDMENTS

No amendment after final rejection has been filed.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 1 is directed to a data display control device including a database,

search means, a hardware display, control means, and scrolling means. The database stores a

plurality of text data with at least a first length (hard drive 21, Figure 5, paragraph 84 of the

publication). The search means are for searching the database for at least one piece of text

data with the first length based on an input search key (database access module 40, Figure 7,

paragraph 84 of the publication). The hardware display includes a display area configured to

display text data from the database, the display area having a width (display 17, Figure 12,

paragraph 44 of the publication). The control means are for obtaining partial text data with a

second length that is smaller than the first length and corresponding to the width of the

display area, out of the at least one piece of text data found by the search means, from the

database, and to display the partial text data on the display area (CPU 11, Figure 5, paragraph

90 of the publication). The scrolling means are for horizontally scrolling display of the

partial text data and remaining text data on the display area after receiving a command from a

user, the remaining text data being all the text data other than the partial text data (CPU 11,

Figure 5, paragraph 92 of the publication). The scrolling means obtains the remaining text

data from the database and automatically horizontally scrolling the remaining text data after

the partial text data (Figure 13, paragraph 92 of the publication). The scrolling means

automatically vertically scrolls other pieces of text data after automatically horizontally

scrolling the remaining text data after the partial text data (Figure 14, paragraph 93 of the

publication).

Independent Claim 5 is directed to a data display control method including searching

a database for at least one piece of text data out of text data with a first length, based on an

input search key, the database storing a plurality of text data with at least the first length (step

SP4, Figure 8, paragraphs 83-84); obtaining partial text data with a second length that is

smaller than the first length and corresponding to a width of a display, out of the at least one

piece of text data found in the searching, from the database, and to display the partial text

data on the display in a display area having a height of one line of text data (step SP7, Figure

8, paragraphs 88-91); horizontally scrolling display of the partial text data and remaining text

data on the display area after receiving a command from a user, the remaining text data being

all the text data other than the partial text data (paragraph 92), the horizontally scrolling

including obtaining the remaining text data from the database and automatically horizontally

scrolling the remaining text data after the partial text data (paragraph 92); and automatically

vertically scrolling other pieces of text data after automatically horizontally scrolling the

remaining text data after the partial text data (paragraph 93).

Independent Claim 6 is directed to a computer readable medium including computer

executable instructions, wherein the instructions, when executed by a processor, cause the

processor to perform a method. The method includes searching a database for at least one

piece of text data out of text data with a first length, based on an input search key, the

database storing a plurality of text data with at least the first length (step SP4, Figure 8,

paragraphs 83-84); obtaining partial text data with a second length that is smaller than the

first length and corresponding to a width of a display, out of the at least one piece of text data found in the searching, from the database, and to display the partial text data on the display in a display area having a height of one line of text data (step SP7, Figure 8, paragraphs 88-91); horizontally scrolling display of the partial text data and remaining text data on the display area after receiving a command from a user, the remaining text data being all the text data other than the partial text data (paragraph 92), the horizontally scrolling including obtaining the remaining text data from the database and automatically horizontally scrolling the remaining text data after the partial text data (paragraph 92); and automatically vertically scrolling other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data (paragraph 93).

Independent Claim 11 is directed to a data display control device including a database, a search unit, hardware display, a control unit, and a scrolling unit. The database is configured to store a plurality of text data with at least a first length (hard drive 21, Figure 5, paragraph 84). The search unit is configured to search the database for at least one piece of text data with the first length based on an input search key (database access module 40, Figure 7, paragraph 84). The hardware display includes a display area configured to display text data from the database, the display area having a width (display 17, Figure 12, paragraph 44). The control unit is configured to obtain partial text data with a second length that is smaller than the first length and corresponding to the width of the display area, out of the at least one piece of text data found by the search unit, from the database, and to display the partial text data on the display area (CPU 11, Figure 5, paragraph 90). The scrolling unit is configured to horizontally scroll display of the partial text data and remaining text data on the display area after receiving a command from a user, the remaining text data being all the text data other than the partial text data (CPU 11, Figure 5, paragraph 92). The scrolling unit is configured to obtain the remaining text data from the database and to automatically

horizontally scroll the remaining text data after the partial text data (paragraph 92). The

scrolling unit is configured to automatically vertically scroll other pieces of text data after

automatically horizontally scrolling the remaining text data after the partial text data

(paragraph 93).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The ground of rejection to be reviewed on appeal is whether Claims 1, 3-11, and 13-

18 are anticipated under 35 U.S.C. §102(e) by Tsuk et al. (U.S. Patent Application

Publication No. 20030076301).

VII. ARGUMENTS

Claim 1 recites in part:

> a database storing a plurality of text data with at least a first length;
> search means for searching the database for at least one piece of text data with the first length, based on an input search key;
> a hardware display including a display area configured to display text data from the database, the display area having a width;
> control means for obtaining partial text data with a second length that is smaller than the first length and corresponding to the width of the display area, out of the at least one piece of text data found by the search means, from the database, and to display the partial text data on the display area; and
> *scrolling means for horizontally scrolling display of the partial text data and remaining text data on the display area after receiving a command from a user, the remaining text data being all the text data other than the partial text data, the scrolling means obtaining the remaining text data from the database and automatically horizontally scrolling the remaining text data after the partial text data, the scrolling means automatically vertically scrolls other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data.*

Tsuk describes a portable media player that measures a speed of a user's rotational input and determines an acceleration factor based on that speed. The media player then accelerates vertical scrolling through the playlists according to the determined acceleration factor.[1]

The outstanding Office Action cited paragraphs 11 and 68 of Tsuk as describing "the scrolling means obtaining the remaining text data from the database and automatically horizontally scrolling the remaining text data after the partial text data" and paragraph 81 as describing "the scrolling means automatically vertically scrolls other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data."[2] However, as noted at paragraph 69 of Tsuk, the user scrolls through the list of media items by providing a rotational input action using the rotational input device 710. Further, Figure 11 shows that the scrolling is only done in response to a rotational movement input. Thus, Tsuk does not teach any means for *automatically* scrolling any data, much less automatically horizontally scrolling the remaining text data after the partial text data, or *automatically* vertically scrolling other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data as recited in Claim 1.

In this regard, paragraph 11 was cited as describing "scrolling in successive stage without user input." However, it is respectfully submitted that nowhere does describe scrolling without receiving user input. Paragraph 11 does not anywhere state that anything is done "without user input." Paragraph 11 states "The amount of acceleration provided can be performed in successive stages, and/or performed based on the speed of a rotational user action." The scrolling based on a speed of rotational user action is described in Figure 1. The acceleration provided in stages is described in Figures 3-5, where the acceleration doubles each time rather than being directly proportional to the rotational input by the user.

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[1]See Tsuk, paragraphs 14 and 38.
[2]See the outstanding Office Action at page 3.

In either case, ***no scrolling is done if no rotational input is provided***. In particular, the user

input is measured in steps 302 in Figures 3 and 4. For the embodiment shown in Figure 5,

paragraph 58 indicates that "when a speed of a next rotational user input is low, the

acceleration state machine 500 remains at the first state 502." Accordingly, this embodiment

also measures the rotational input of the user and does ***not*** automatically scroll any data.

Accordingly, it is respectfully submitted that Tsuk only describes manual scrolling.

For a proper anticipation rejection, "The identical invention must be shown in as

complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d

1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). See MPEP §2131. In the present case,

Tsuk fails show "scrolling means" and "control means" in as great a detail as recited in the

claim, as Tsuk fails to describe ***any*** automatic scrolling. Consequently, Claim 1 (and Claims

3, 4, and 7-10 dependent therefrom) cannot be anticipated by Tsuk and is patentable

thereover.

Claims 5 and 6 recite in part "horizontally scrolling display of the partial text data and

remaining text data on the display area after receiving a command from a user, the remaining

text data being all the text data other than the partial text data, the horizontally scrolling

including obtaining the remaining text data from the database and ***automatically*** horizontally

scrolling the remaining text data after the partial text data" and "***automatically*** vertically

scrolling other pieces of text data after automatically horizontally scrolling the remaining text

data after the partial text data." As noted above, Tsuk does not describe, automatic scrolling

of data, much less ***automatically vertically scrolling other pieces of text data after***

automatically horizontally scrolling the remaining text data after the partial text data

Therefore, Tsuk does not teach "horizontally scrolling" and "automatically vertically

scrolling" as defined in Claims 5 and 6 either. Consequently, Claims 5 and 6 are also not

anticipated by Odamura and are patentable thereover.

Claim 11 recites in part:

> *a scrolling unit configured to horizontally scroll
> display of the partial text data and remaining text data on the
> display area after receiving a command from a user, the
> remaining text data being all the text data other than the
> partial text data, the scrolling unit configured to obtain the
> remaining text data from the database and to automatically
> horizontally scroll the remaining text data after the partial
> text data, the scrolling unit configured to automatically
> vertically scroll other pieces of text data after automatically
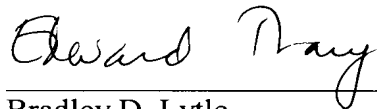> horizontally scrolling the remaining text data after the partial
> text data.*

As noted above, Tsuk does not teach any device configured to *automatically* scroll

data as recited in Claim 11. Thus, it is respectfully submitted that Tsuk does not teach "a

scrolling unit" as defined in Claim 11. Consequently, Claim 11 (and Claims 13-18 dependent

therefrom) is not anticipated by Tsuk and is patentable thereover.

Conclusion

It is respectfully requested that the outstanding rejections be REVERSED.

Respectfully submitted,

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VIII. <u>CLAIMS APPENDIX</u>

Claim 1: A data display control device comprising:

a database storing a plurality of text data with at least a first length;

search means for searching the database for at least one piece of text data with the

first length, based on an input search key;

a hardware display including a display area configured to display text data from the

database, the display area having a width;

control means for obtaining partial text data with a second length that is smaller than

the first length and corresponding to the width of the display area, out of the at least one piece

of text data found by the search means, from the database, and to display the partial text data

on the display area; and

scrolling means for horizontally scrolling display of the partial text data and

remaining text data on the display area after receiving a command from a user, the remaining

text data being all the text data other than the partial text data, the scrolling means obtaining

the remaining text data from the database and automatically horizontally scrolling the

remaining text data after the partial text data, the scrolling means automatically vertically

scrolls other pieces of text data after automatically horizontally scrolling the remaining text

data after the partial text data.

Claim 2 (Canceled).

Claim 3: The data display control device according to claim 1, wherein the control

means obtains a text data part, that is larger than the second length and smaller than the first

length, out of the at least one piece of text data found by the search means, with the text data

part added to the partial text data, from the database, and to perform horizontal scroll display on the display area.

Claim 4: The data display control device according to claim 1, wherein the control means controls to obtain a prescribed maximum number of data, out of a plurality of data found by the search means, from the database and temporarily store the prescribed maximum number of data in a storage medium, and displays a part of the prescribed maximum number of data on the display in accordance with a height of the display.

Claim 5: A data display control method comprising:

searching a database for at least one piece of text data out of text data with a first length, based on an input search key, the database storing a plurality of text data with at least the first length;

obtaining partial text data with a second length that is smaller than the first length and corresponding to a width of a display, out of the at least one piece of text data found in the searching, from the database, and to display the partial text data on the display in a display area having a height of one line of text data;

horizontally scrolling display of the partial text data and remaining text data on the display area after receiving a command from a user, the remaining text data being all the text data other than the partial text data, the horizontally scrolling including obtaining the remaining text data from the database and automatically horizontally scrolling the remaining text data after the partial text data; and

automatically vertically scrolling other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data.

Claim 6: A computer readable medium including computer executable instructions, wherein the instructions, when executed by a processor, cause the processor to perform a method comprising:

searching a database for at least one piece of text data out of text data with a first length, based on an input search key, the database storing a plurality of text data with at least the first length;

obtaining partial text data with a second length that is smaller than the first length and corresponding to a width of a display, out of the at least one piece of text data found in the searching, from the database, and to display the partial text data on the display in a display area having a height of one line of text data;

horizontally scrolling display of the partial text data and remaining text data on the display area after receiving a command from a user, the remaining text data being all the text data other than the partial text data, the horizontally scrolling including obtaining the remaining text data from the database and automatically horizontally scrolling the remaining text data after the partial text data; and

automatically vertically scrolling other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data.

Claim 7: The data display control device according to claim 1, wherein the display area has a height of one line of text data.

Claim 8: The data display control device according to claim 1, further comprising:

speaker means for playing audio content.

Claim 9: The data display control device according to claim 8, wherein the text data is a title of the audio content.

Claim 10: The data display control device according to claim 8, wherein the text data is a name of an artist performing the audio content.

Claim 11: A data display control device comprising:

a database configured to store a plurality of text data with at least a first length;

a search unit configured to search the database for at least one piece of text data with the first length based on an input search key;

a hardware display including a display area configured to display text data from the database, the display area having a width;

a control unit configured to obtain partial text data with a second length that is smaller than the first length and corresponding to the width of the display area, out of the at least one piece of text data found by the search unit, from the database, and to display the partial text data on the display area; and

a scrolling unit configured to horizontally scroll display of the partial text data and remaining text data on the display area after receiving a command from a user, the remaining text data being all the text data other than the partial text data, the scrolling unit configured to obtain the remaining text data from the database and to automatically horizontally scroll the remaining text data after the partial text data, the scrolling unit configured to automatically vertically scroll other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data.

Claim 12 (Canceled).

Claim 13: The data display control device according to claim 11, wherein the control unit is configured to obtain a text data part, that is larger than the second length and smaller than the first length, out of the at least one piece of text data found by the search unit, with the text data part added to the partial text data, from the database, and to perform horizontal scroll display on the display area.

Claim 14: The data display control device according to claim 11, wherein the control unit is configured to obtain a prescribed maximum number of data, out of a plurality of data found by the search unit, from the database and temporarily store the prescribed maximum number of data in a storage medium, and to display a part of the prescribed maximum number of data on the display in accordance with a height of the display.

Claim 15: The data display control device according to claim 11, wherein the display area has a height of one line of text data.

Claim 16: The data display control device according to claim 11, further comprising: a speaker configured to play audio content.

Claim 17: The data display control device according to claim 16, wherein the text data is a title of the audio content.

Claim 18: The data display control device according to claim 16, wherein the text data is a name of an artist performing the audio content.

Claim 19 (Canceled).

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.